

PLANNING BOARD MEETING – February 8, 2017

PRESENT: Mark Pease, Chairman; Robert Donnelly, Vice Chairman; Douglas Dooley; Philip Greene; George Nangle; Brian Chapman, Alternate Member; Mark Hamel, Town Engineer and Lisa Wagner, Recording Secretary

Chairman Pease opened the meeting at 7:00 p.m. in the Conference Room at Town Hall and the Pledge of Allegiance was recited.

MINUTES:

Meeting held on January 25, 2017: Mr. Nangle motioned to approve. Mr. Donnelly seconded. Motion passed unanimously.

309 SLADEN STREET/JILL & MICHAEL PELLETIER/SPECIAL PERMIT FOR A 2-FAMILY DWELLING/PUBLIC HEARING:

Chairman Pease opened the hearing and read aloud the Legal Notice which was advertised in the Lowell Sun on Wednesday, January 25, 2017 and again on Wednesday, February 1, 2017.

Michael Pelletier appeared before the Board seeking a special permit to construct a single-story duplex at 309 Sladen Street. Chairman Pease commented that the property is a vacant wooded lot located in the R3 zone and the only input is from the Conservation Agent, who indicated a Conservation filing might be necessary, but a determination could not be made from the plot plan submitted. Mr. Pelletier was not aware of this and mentioned Aho Surveying that did the plan said all of the clearances were met. In speaking with the Conservation Agent, Chairman Pease stated the wetlands would first need to be flagged and depending on the extent of the grading and construction; then it would be decided if it needed to be filed with Conservation. Mr. Pelletier added that at the time the plan was done, Mr. Aho implied the wetlands were too far away. Chairman Pease noted the wetland issue is handled by Conservation and it would also be a condition of the special permit, which the Board has as a draft decision. Mr. Pelletier had not seen the draft.

Chairman Pease asked if anyone in attendance had a question or comment.

Ann Van Opstal of 318 Sladen Street asked if the multi-family dwelling would be owner occupied and if she could request that the driveway is not directly across from her property, which might create a problem when backing out. Chairman Pease stated there is no requirement that the owner reside in the dwelling. Mr. Pelletier indicated the house will be setback about 150 feet from the roadway and there will be an area to turn around rather than backing out. Mr. Donnelly asked if the applicant intends on residing there and renting out the other side. Mr. Pelletier confirmed that they hope to live in one unit and rent the other.

Mr. Dooley motioned to close the public hearing. Mr. Nangle seconded for discussion. Mr. Greene asked if the Board wants to close the hearing before the applicant reviews the conditions. Chairman Pease asked if Mr. Pelletier wants to review the conditions and continue the hearing.

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Mr. Pelletier requested to review the special permit and continue the hearing. Mr. Dooley withdrew his motion to close the hearing and Mr. Nangle withdrew his second. Mr. Donnelly motioned to continue this hearing to the February 22nd meeting. Mr. Dooley seconded. Motion passed unanimously.

7:15 PM: Mr. Dooley relinquished his seat on the Board for the following hearing.

1500 BROADWAY ROAD/BETTENCOURT CORP/SPECIAL PERMIT FOR A DUNKIN DONUTS WITH DRIVE-UP & RETAIL UNITS/PUBLIC HEARING:

Chairman Pease opened the hearing and read aloud the Legal Notice which was advertised in the Lowell Sun on Wednesday, January 25, 2017 and again on Wednesday, February 1, 2017. For the record, Chairman Pease stated Mr. Dooley has a conflict with this project and Mr. Chapman will be acting on this matter as the fifth voting member.

Attorney George Malonis, Jack McQuilkin, Project Engineer of JM Associates and Ron Müller, Traffic Engineer of Ron Müller & Associates appeared before the Board on behalf of Bettencourt Corporation, who is seeking a special permit to construct a 5,040 square foot building consisting of a Dunkin Donuts shop with drive-thru and retail shops. The unit housing the donut shop will be about 2,456 square feet and the 2 retail units will total 2,584 square feet. The vacant parcel contains approximately 82,000 square feet and is located at the corner of Commercial Drive and Route 113. Attorney Malonis noted a waiver is being requested for the number of parking spaces, as 62 are required and 46 are provided. The reduction in spaces was brought about due to the proximity of a resource area, which resulted in National Heritage wanting the building and parking area to be situated at the maximum distance from those areas. Attorney Malonis mentioned that Dunkin Donuts are primarily a drive-thru business and not a typical fast food restaurant that requires many spaces.

Attorney Malonis added a waiver is being requested for the landscape buffer width from 20 feet to 11 feet at its narrowest section on the northerly side due to the lot configuration and to compensate; the buffer will be increased to 27 feet and 39 feet in available areas. There is a row of existing pine trees between this parcel and the Majilite property, which will provide a natural buffer. Mr. Greene asked for some clarification on the parking spaces, as the Building Inspector's letter states 49 spaces are required for the fast food restaurant, but only 33 provided. Mr. McQuilkin indicated there are 46 overall and 33 are for the fast food restaurant. Attorney Malonis added the requirement for all 3 units is 62.

In further review, Mr. McQuilkin noted the lot is mostly wooded and contains about 1.9 acres, which is located in the B3 business zone. There is a small detention area along the northerly lot line that services the Majilite building and captures some of their runoff. The site is relatively flat with an elevation of 90, down to 84 and 6 test pits were done, which found the soil to be sandy or silty and there is a high water table at this site.

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Mr. McQuilkin added the proposed building is 60'x84', which will have 3 units in total and a drive-thru for the Dunkin Donuts accessed from Broadway Road and wrapping around the building. The drive-thru lane will be approximately 260 feet in length and will allow 13 vehicles in the queue. Mr. McQuilkin mentioned the building will be tied into the water and sewer at Commercial Drive and the drainage will be captured by a series of trench drains or catch basins, which will discharge to the grass swale. Also, there are 7 cultec infiltration chambers to recharge the water back into the ground. Chairman Pease inquired about the drainage easement next door. Mr. McQuilkin indicated that is not changing. Attorney Malonis asked Mr. McQuilkin to provide an update on the Conservation filing and the status of the curb cut. Mr. McQuilkin noted that Conservation closed the hearing and will be issuing an Order of Conditions by the end of the week and a curb cut application was filed with MassDOT and a permit should be forthcoming.

Mr. Greene inquired about the distance from Commercial Drive to the entrance for the project. Mr. McQuilkin indicated it is 185 feet.

In review of the traffic, Mr. Müller stated the concern for a project like this is the site access, the circulation on site and the queue for the Dunkin Donuts drive-thru. The Dunkin Donuts is the largest generator of traffic, but the majority of vehicles are already travelling on the adjacent roadway or Broadway Road in this case. Mr. Müller indicated that in preparing this traffic study, the existing conditions and traffic counts at the Dunkin Donuts at 177 Broadway Road were taken into consideration and based on this information, the drive-thru lane can accommodate 13 vehicles. Mr. Müller added the driveway queue should not effect the on-site circulation, the parking, access into the site or a back-up out on Broadway Road. The proposed site has 2-way traffic throughout the parking aisles, as well as a bypass lane around the rear of the site and the tractor trailer deliveries will enter from Broadway Road to the dedicated loading area at the rear of the property. Mr. Müller mentioned the proposed curb cut on Broadway Road for this site will be directly across the street from the curb cut for the proposed gas station, which is an exit only. There is an access on Commercial Drive, which will essentially service the businesses in this area and alleviate the need to go out to Broadway Road and the tractor trailers will exit from this driveway. Finally, Mr. Müller noted the traffic study submitted for this project is a thorough and complete study with actual counts, an estimate of the expected traffic generation and an evaluation of the impact the traffic will have on the surrounding street and intersections. A number of concerns were raised in a letter from Ms. Ware, which Attorney Malonis felt could be addressed in the special permit conditions.

Mr. Nangle inquired about the number of parking spaces in front of the building. Mr. Müller stated there are 6 spaces up by the building and another 8 spaces by Broadway Road. Mr. Donnelly asked if the section to the right of the building is for parking and he has a concern for public safety. Mr. Müller noted the on-site vehicles are travelling at 10 to 15 miles per hour and he does not anticipate an issue. Attorney Malonis added the parking is similar at 177 Broadway and there haven't been any pedestrian incidents or problems with traffic at that site.

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Chairman Pease concurred with a comment from the Police Chief, who mentioned a potential issue with traffic exiting the site and turning left onto Broadway Road at peak times during the day. Mr. Müller indicated the exiting vehicles may experience a long delay trying to leave the site, but noted the existing vegetation along Broadway Road will be removed to improve the view. Chairman Pease added Ms. Ware would like a peer review done of the traffic study. Mr. Müller stated this is a common occurrence. Attorney Malonis felt it is an added expense and MassDOT is involved in reviewing the site, as well as the traffic study for the curb cut permit. Mr. Nangle mentioned the Board was not involved with the proposed gas station across the street and has not seen any plans for that site. Mr. Müller did consider this project when doing his traffic study and he does traffic projection for 7 years out. Chairman Pease asked for the Board's input on the peer review. Mr. Greene noted the Town Planner asked for it. Chairman Pease concurred with the recommendation. Mr. Müller asked if MDM is the Town's Consultant, which Chairman Pease confirmed. Mr. Hamel added the interior traffic circulation should be the focus, as the off-site generated traffic is well documented.

Mr. Greene questioned the buffer area along the Majilite property and whether it's adjacent to their parking area. Mr. McQuilkin stated the entrance for Majilite is along the buffer area. Mr. Greene did not have an issue with the buffering, however; he is concerned with the parking and finds 19 spaces to be significant. Mr. Nangle added the other properties only have the Dunkin Donuts. Mr. McQuilkin noted the requirement is met for the 2 other businesses, as the by-law requires 1 per 200' or 13 spaces. Mr. Müller stated that 70% of the Dunkin Donuts business is drive-thru, which does not need parking and he could do an actual count at another location to see number of spaces vs. demand. Mr. Greene felt it was not the same as the other properties, as this has 3 units. Mr. Müller noted there are often an excess of parking spaces at these types of businesses because of outdated regulations. Attorney Malonis indicated the parking density for fast food restaurants is higher than other businesses and a stipulation of the permit could be that the other units would not be a restaurant use. Mr. Chapman agreed the units should not be restaurant related. Mr. Donnelly inquired about the loading area not being connected to the building and deliveries being made across the drive-thru or driveway access. Mr. Müller stated Dunkin Donuts always handles their deliveries this way and does not utilize a loading dock.

In further review, Chairman Pease mentioned receiving comment letters from the Fire Chief, the Sewer Department and the Kenwood Water District, which addressed their recommendations. Mr. McQuilkin had no issues with these requirements, other than the grease trap required by the Sewer Department, as Dunkin Donuts does not do any baking or cooking on site. Chairman Pease asked if anyone other than Mr. Greene had any input on the waiver of the parking spaces. Mr. Chapman would like to have the peer review comments, but felt if the other units were not restaurants; then he would not have an issue. Mr. Hamel would like to review a revised plan that addresses his comments raised at the Department Head meeting and the plan should also be formatted for recording with the Registry Block, Town Clerk statement with signature line and Planning Board signature block.

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Chairman Pease asked if anyone in attendance had a question or comment. Nobody came forward to speak for or against this project.

Chairman Pease would like to have more data provided on the waiver request for the parking spaces and asked if everything would be ready for the next meeting in 2 weeks. Attorney Malonis indicated they would have everything ready, but was not sure about the peer review. Mr. Mueller questioned whether he could contact MDM directly. Chairman Pease had no issue with that and asked the applicant to submit the funding for the peer review study. Mr. Greene asked that Ms. Ware be kept in the loop on the project. Mr. Nangle inquired if a traffic light would be considered for this site or in conjunction with the gas station across the street. Mr. Mueller stated the major concern is sight distance when leaving the site and there is a significant amount of traffic on Broadway Road, however; neither project triggers signalization at this location. Chairman Pease noted the roadway does slope downward heading east and he would not want to see any snow storage along the access at Broadway Road. Mr. Mueller indicated that Ms. Ware had that as one of her comments.

Mr. Donnelly motioned to continue this hearing to the February 22nd meeting. Mr. Chapman seconded. Motion passed unanimously.

8:00 PM: Mr. Dooley returned to his seat on the Board.

OLD BUSINESS:

Hildreth Street – “Lambros Farm Estates”/Michelle Lambros, Trustee of the M.E.N. Family Realty Trust/Covenant Approval

Chairman Pease informed the Board that Attorney Hall reviewed the Covenant and indicated in his letter that it was acceptable as to form, as long as the Board is all set with Parcel A. Mr. Hamel noted Parcel A is the small piece of land along Hildreth Street that makes the existing lots conforming and in speaking with Attorney Hall, he just wanted the Board to be aware that Parcel A is not part of the subdivision.

Mr. Nangle motioned to approve the Covenant based on the recommendation of Town Counsel. Mr. Donnelly seconded for discussion. Mr. Greene asked if the plans are being signed and the bond posted. Chairman Pease indicated just the Covenant is being approved and stated Attorney Fadden outlined the process being followed to secure bank funding. It was noted that the plans have not been submitted. Motion passed by a majority vote (4-1). Mr. Greene opposed.

NEW BUSINESS:

1905 Lakeview Avenue/Robin & Wendy Ley/Special Permit Submittal for a Fast Food Restaurant with Drive-Up (Top Donut Shop) & to Request a Public Hearing

Mr. Donnelly motioned to schedule a public hearing on March 8, 2017. Mr. Nangle seconded. Motion passed unanimously.

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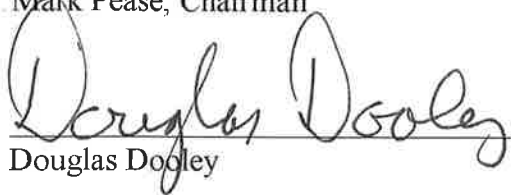
ADJOURNMENT: Mr. Greene motioned to adjourn at 8:05 p.m. Mr. Nangle seconded. Motion passed unanimously.

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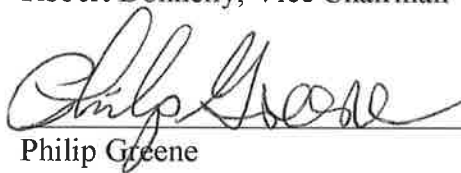
Mark Pease, Chairman



Robert Donnelly, Vice Chairman



Douglas Dooley



Philip Greene



George Nangle

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